

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD  
INTERCHANGE FEE AND MERCHANT  
DISCOUNT ANTITRUST LITIGATION**

**No. 05-md-01720 (MKB) (JO)**

**This Document Applies to:**

*Delta Air Lines, Inc., et al. v. Visa, Inc., et al.*, No. 13-cv-04766 (E.D.N.Y.) (MKB) (JO).

**STIPULATION AND PROPOSED ORDER**

WHEREAS, plaintiffs filed an action captioned *Delta Air Lines, Inc., et al. v. Visa, Inc., et al.*, No. 13-cv-00621 (E.D. Tex.), which the Judicial Panel on Multi-District Litigation transferred to this Court for pretrial proceedings in MDL 1720, *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 05-md-01720 (E.D.N.Y.), and which action is now individually referenced on this Court's docket as No. 13-cv-04766 (E.D.N.Y.) (the "Delta Action");

WHEREAS, after the Court's denial of the motions to dismiss in the opt-out and declaratory judgment actions, at the request of the parties in those actions, the Court ordered that defendants answer or otherwise respond to the complaints in those actions by September 30, 2014;

WHEREAS, on September 3, 2014, this Court ordered that the claims of plaintiffs Delta Air Lines, Inc., Delta Private Jets, Inc., and MLT, Inc. be dismissed from the Delta Action due to a settlement reached by those plaintiffs with the defendants in the Delta Action;

WHEREAS, on September 22, 2014, at the request of the remaining parties in the Delta Action, the Court extended the time for answering or otherwise responding to the complaint in the Delta Action to October 31, 2014;

WHEREAS, on October 27, 2014, at the request of the remaining parties in the Delta Action, the Court extended the time for answering or otherwise responding to the complaint in the Delta action to December 15, 2014;

WHEREAS, on October 29, 2014, the Court ordered that (a) the parties exchange written responses and objections to all document requests and produce or identify organizational charts or other documents sufficient to show their organizational structure in relevant areas by December 15, 2014, (b) the parties provide proposed custodian lists, search terms, and/or other search and review methodology for the non-targeted document requests by January 15, 2015, (c) the parties exchange objections and responses to initial interrogatories and requests for admission by February 16, 2015, (d) the parties produce documents in response to targeted document requests by April 1, 2015, and (e) the parties conclude negotiations over search and review methodology for the non-targeted document requests by April 15, 2015, and begin producing documents as soon as possible thereafter;

WHEREAS, on November 12, 2014, this Court ordered that the claims of 47 groups of additional plaintiffs be dismissed from the Delta Action due to settlements reached by those plaintiffs with the defendants in the Delta Action;

WHEREAS, on December 10, 2014, at the request of the remaining parties in the Delta Action, the Court extended the defendants' time for answering or otherwise responding to the complaint in the Delta Action, and the remaining plaintiffs' time to produce documents and respond to discovery requests, to February 17, 2015;

WHEREAS, on February 3, 2015, the Court ordered that the claims of an additional group of plaintiffs be dismissed from the Delta Action due to settlements reached by those plaintiffs with the defendants in the Delta Action;

WHEREAS, on February 12, 2015, at the request of the remaining parties in the Delta Action, the Court extended the defendants' time for answering or otherwise responding to the complaint in the Delta Action, and the remaining plaintiffs' time to produce documents and respond to discovery requests, to April 17, 2015;

WHEREAS, on March 12, 2015, the Court ordered that the claims of an additional plaintiff be dismissed from the Delta Action due to the settlement reached by that plaintiff with the defendants in the Delta Action;

WHEREAS, on April 13, 2015, the Court ordered that the April 15, 2015 deadline for the parties to conclude negotiations over search and review methodology for the non-targeted document requests be extended to May 15, 2015;

WHEREAS, on April 15, 2015, at the request of the remaining two plaintiffs and the defendants in the Delta Action, the Court extended the defendants' time for answering or otherwise responding to the complaint in the Delta Action, and the remaining two plaintiffs' time to produce documents and respond to discovery requests, to June 17, 2015;

WHEREAS, on May 15, 2015, the Court ordered that the parties begin non-targeted document productions based on agreed-upon custodian lists and search term and review methodology by May 15, 2015, and conclude any outstanding negotiations by June 15, 2015;

WHEREAS, at the request of the remaining two plaintiffs and the defendants in the Delta Action, the Court subsequently extended the defendants' time for answering or otherwise responding to the complaint in the Delta Action, and the remaining two plaintiffs' time to produce documents and respond to discovery requests, to September 17 and December 17, 2015, to June 17, October 17, and December 16, 2016, and to March 16, 2017;

WHEREAS, on February 7, 2017, this Court ordered that plaintiffs in MDL 1720 submit any motions for leave to amend their complaints by February 8, 2017, and on February 8, 2017,

the remaining two plaintiffs in the Delta Action served a motion for leave to file a proposed amended complaint in the Delta Action;

WHEREAS, on March 9, 2017, at the request of the remaining two plaintiffs and the defendants in the Delta Action, the Court extended the defendants' time for answering or otherwise responding to the complaint in the Delta Action to a time to be proposed by the parties and determined by the Court after the Court rules on the remaining two plaintiffs' motion for leave to amend the complaint in the Delta Action, and the Court extended the remaining two plaintiffs' time to produce documents and respond to discovery requests to June 16, 2017;

WHEREAS, at the request of the remaining two plaintiffs and the defendants in the Delta Action, the Court extended the remaining two plaintiffs' time to produce documents and respond to discovery requests to August 16, September 29, November 30, 2017, and January 30, 2018;

WHEREAS, the Court extended the defendants' time for answering or otherwise responding to the first amended complaint in the Delta Action to within 21 days after a ruling by Judge Brodie on plaintiffs' appeal of Judge Orenstein's order on plaintiffs' motion for leave to amend; and

WHEREAS, to facilitate further settlement discussions in which the parties are engaged, the defendants wish to extend the time for the remaining two plaintiffs to respond to discovery requests and to produce documents in the Delta Action.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that the time for each remaining plaintiff in the Delta Action (a) to provide written responses and objections to all document requests, interrogatories, and requests for admission, and (b) to produce organizational charts or other documents sufficient to show its organizational structure in relevant areas, to provide proposed custodian lists, search terms, and/or other search and review methodology for the non-targeted document requests, to produce

documents in response to targeted document requests, and to commence production of documents in response to non-targeted document requests, shall be extended to and including February 28, 2018.

Dated: January 25, 2018.

Respectfully submitted,

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**SO ORDERED:**

Dated:

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Brooklyn, New York

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United States District Judge